



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 22-188

Released: February 28, 2022

STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 02-6
WC Docket No. 02-60
WC Docket No. 21-93
CC Docket No. 96-45
WC Docket No. 10-90
WC Docket No. 05-337
WC Docket No. 06-122

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is thirty (30) days from the release date of this Public Notice.²

Schools and Libraries (E-Rate) **CC Docket No. 02-6**

Granted³

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Sections 54.719(b) and 54.1718(a)(1) of the Commission's rules provide that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Sections 54.719(c) and 54.1718(a)(3) of the Commission's rules provide that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR §§ 54.719(b)-(c) and 54.1718(a)(1), (3). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but that are, in fact, seeking review of a USAC decision.

² See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

³ We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our (continued....)

Grant on Reconsideration--Necessary Resources⁴

Metropolitan Boston Library Network, MA, Application No. 329974, Petition for Reconsideration, CC Docket No. 02-6 (filed Apr. 28, 2021)

Ministerial and/or Clerical Errors⁵

Illinois Department of Innovation and Technology Consortium, IL, Application No. 211021319, Request for Waiver, CC Docket No. 02-6 (filed Jan. 6, 2022, supplemented Feb. 1, 2022)

Service Implementation Delay⁶

North Kansas City Sch. Dist. 74, MO, Application No. 201028234, Request for Waiver, CC Docket No. 02-6 (filed Jan. 31, 2022)

Untimely Filed Appeal⁷

Bethany Community Middle School, NC, Application No. 171043172, Request for Waiver, CC Docket No. 02-6 (filed Jan. 6, 2022)

USAC Decision Issued After Invoice Deadline⁸

(Continued from previous page) _____
ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

⁴ We find special circumstances to justify granting Metropolitan Boston Library Network's (MBLN) petition for reconsideration and we remand its application to USAC for further review. See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ashtabula Area City Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 4051, 4052, para. 2 (WCB 2013) (finding special circumstances to justify granting two petitions for reconsideration). In 2009, the Commission provided formal guidance to USAC on situations where USAC finds equipment was not being utilized and whether recovery was required. See Letter from Dana R. Shaffer, Chief, Wireline Competition Bureau, FCC, to Scott Barash, Acting Chief Executive Officer, USAC, CC Docket No. 02-6, Letter, 24 FCC Rcd 417 (WCB 2009) (2009 "Table C" Recovery Issues Letter). In the letter, the Bureau explained that USAC should not seek recovery in every instance in which it determined the equipment was not utilized. The Bureau noted that, for example, in situations where equipment was not being used due to human resource limitations, but was subsequently installed, recovery would not be warranted. In the instant case, MBLN experienced human resources limitations and did not immediately use the equipment purchased with E-Rate funding. However, once the library filled the vacancies with knowledgeable personnel, it immediately put the equipment to use. We now ask USAC to reassess its recovery action based on our guidance in the "Table C" Recovery Issues Letter regarding recovery when equipment was not utilized. In remanding this application to USAC, we make no finding regarding the underlying issue in this petition and remand the application to USAC to make a final determination. See *supra* note 3.

⁵ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518, 15521, n.19 (WCB 2008) (allowing applicant to also correct a pre-discount price to conform to the price on the source document on its FCC Form 471).

⁶ See, e.g., *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13652-53, para. 2 (WCB 2014) (allowing extensions of the service implementation deadline when applicants demonstrated they were unable to timely complete implementation for reasons beyond the service providers' control and made significant efforts to secure the necessary extensions).

⁷ See, e.g., *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (granting waivers of the appeal filing deadline because the parties submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision); 47 CFR § 54.720(a), (b). We make no finding on the underlying issues in this appeal and remand this application back to USAC to make a final determination on the merits. See *supra* note 3.

Williams Unified School District #2, AZ, Application No. 201040996, Request for Waiver, CC Docket No. 02-6 (filed Dec. 1, 2021)

Denied

Invoice Deadline Extension⁹

Bayfield School District, WI, Application No. 201031660, Request for Waiver, CC Docket No. 02-6 (filed Dec. 3, 2021)

DeLaSalle High School, MN, Application No. 201040940, Request for Waiver, CC Docket No. 02-6 (filed Dec. 23, 2021)

La Vega Independent School District, TX, Application Nos. 201033729, 201034464, Request for Waiver, CC Docket No. 02-6 (filed Jan. 18, 2022)

Midland Park Public Schools, NJ, Application No. 201043030, Request for Waiver, CC Docket No. 02-6 (filed Dec. 2, 2021)

Our Lady of Angeles Regional Catholic School, PA, Application No. 201034725, Request for Waiver, CC Docket No. 02-6 (filed Dec. 7, 2021)

Portales Public Library, NM, Application No. 201044137, Request for Waiver, CC Docket No. 02-6 (filed Oct. 29, 2021)

Untimely Filed Appeals or Waiver Requests¹⁰

Chautauqua Cattaraugus Library System, NY, Application No. 201037428, Request for Waiver, CC Docket No. 02-6 (filed Jan. 20, 2022)

The Foundation for Hispanic Education, CA, Application No. 211037452, Request for Waiver, CC Docket No. 02-6 (filed Jan. 3, 2022)

Emergency Connectivity Fund

(Continued from previous page) _____

⁸ See *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order, 35 FCC Rcd 14426, 14431, para. 15 (2020) (authorizing the Bureau to grant a waiver in instances where a program participant was unable to timely submit an invoice because they were awaiting a post-commitment decision from USAC, or received a decision approving a post-commitment request or granting an appeal of a previously denied or reduced funding request after the invoice filing deadline had passed).

⁹ See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) (denying requests for waiver of the Commission's invoice filing deadline rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); see also *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoice filing deadline rules absent extraordinary circumstances); 47 CFR § 54.514.

¹⁰ See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (WCB 2010); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (WCB 2014) (denying requests for review and/or waiver on the grounds that the petitioners failed to (1) submit their appeals either to the Commission or to USAC within 60 days; or failed to submit their waiver requests to the Commission within 60 days as required by the Commission's rules; and (2) did not show special circumstances required for the Commission to waive the appeal/waiver filing deadline rule).

WC Docket No. 21-93Granted*Late-Filed ECF FCC Form 471 Applications – Filed Within 14 Days of the Close of the Window*¹¹

Almira School District, WA, Application No. ECF222120991, Request for Waiver, WC Docket No. 21-93 (filed Oct. 21, 2021)

AnNoor Academy, NJ, Application No. ECF222120990, Request for Waiver, WC Docket No. 21-93 (filed Oct. 15, 2021)

Audubon Library System, LA, Application No. ECF222121003, Request for Waiver, WC Docket No. 21-93 (filed Oct. 21, 2021)

Cecil County Public School District, MD, Application No. ECF222121020, Request for Waiver, WC Docket No. 21-93 (filed Oct. 27, 2021)

Centerville Comm School District, IA, Application No. ECF222119754, Request for Waiver, WC Docket No. 21-93 (filed Oct. 20, 2021)

Cheder Lubavitch Arizona, AZ, Application Nos. ECF222120977, ECF222120994, Request for Waiver, WC Docket No. 21-93 (filed Nov. 9, 2021)

DeLaSalle High School, MN, Application No. ECF222118988, Request for Waiver, WC Docket No. 21-93 (filed Oct. 18, 2021)

Everman Independent School District, TX, Application No. ECF222120980, Request for Waiver, WC Docket No. 21-93 (filed Oct. 22, 2021)

First Mesa Elementary School, AZ, Application No. ECF222120981, Request for Waiver, WC Docket No. 21-93 (filed Oct. 18, 2021)

Fortune School, CA, Application No. ECF222120936, Request for Waiver, WC Docket No. 21-93 (filed Oct. 14, 2021)

Fullerton Elementary School District, CA, Application No. ECF222118564, Request for Waiver, WC Docket No. 21-93 (filed Dec. 3, 2021)

Jefferson Central School District, NY, Application No. ECF222121008, Request for Waiver, WC Docket No. 21-93 (filed Nov. 16, 2021)

New City School, MO, Application No. ECF222121019, Request for Waiver, WC Docket No. 21-93 (filed Oct. 27, 2021)

¹¹ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (finding special circumstances existed to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the application filing window deadline). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Programs, including the E-Rate Program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund Program, we now rely on E-Rate program precedent to resolve petitions for waiver of the Emergency Connectivity Fund Program application filing deadline. See *Establishing the Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Report and Order, 36 FCC Rcd 8696, 8740, 8746, paras. 90, 107 (2021).

Peridot – Our Savior’s Lutheran School, AZ, Application Nos. ECF222121000, ECF222121002, Request for Waiver, WC Docket No. 21-93 (filed Oct. 27, 2021)

Pleasant Valley School District, PA, Application No. ECF222121009, Request for Waiver, WC Docket No. 21-93 (filed Oct. 22, 2021)

Red Bank School District, NJ, Application No. ECF222117547, Request for Waiver, CC Docket No. 02-6, WC Docket No. 21-93 (filed Oct. 22, 2021)

Sacred Heart Schools, KY, Application No. ECF222121027, Request for Waiver, WC Docket No. 21-93 (filed Nov. 15, 2021)

St. Stephen Lutheran School, WI, Application No. ECF222121018, Request for Waiver, WC Docket No. 21-93 (filed Nov. 1, 2021)

Taylor School District, MI, Application No. ECF222121015, Request for Waiver, CC Docket No. 02-6 (filed Oct. 26, 2021)

Thomas County Schools, GA, Application No. ECF222116557, Request for Waiver, WC Docket No. 21-93 (filed Nov. 15, 2021)

Warren Consolidated Schools, MI, Application No. ECF222121014, Request for Waiver, CC Docket No. 02-6 (filed Oct. 26, 2021)

Waukee Community School District, IA, Application No. ECF222118244, Request for Waiver, WC Docket No. 21-93 (filed Oct. 18, 2021)

Late-Filed ECF FCC Form 471 Applications –Application Filed More than 30 Days Late¹²

Auglaize County Pub Dist Lib, OH, Application No. ECF222121050, Request for Waiver, WC Docket No. 21-93 (filed Nov. 9, 2021)

California Area School District, PA, Application No. ECF222121051, Request for Waiver, WC Docket No. 21-93 (filed Nov. 11, 2021)

Harrison County Library System, MS, Application Nos. ECF222121140, ECF222121141, Request for Waiver, WC Docket No. 21-93 (filed Oct. 27, 2021)

Magen Israel Gan Israel Elementary, NY, Application No. ECF222121032, Request for Waiver, WC Docket No. 21-93 (filed Oct. 29, 2021)

¹² See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Agri-Business Child Development et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 35 FCC Rcd 8278, 8280, para. 7 (WCB 2020) (*Agri-Business Child Development Order*) (finding good cause to waive the FCC Form 471 application filing window deadline for applicants impacted by the coronavirus (COVID-19) pandemic that requested a waiver of the filing deadline and submitted their applications within 60 days of the close of the filing window); see also *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 02-60, 06-122, Public Notice, 35 FCC Rcd 9927, 9931 n.13 (WCB 2021) (finding good cause to extend the waiver standard set out in the *Agri-Business Child Development Order* to applicants who filed their applications within 99 days of the funding year 2020 FCC Form 471 application filing window deadline); *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket No. 06-122, Public Notice, DA 21-745, at 3 n.7 (WCB June 30, 2021) (extending the *Agri-Business Child Development Order* waiver standard to E-Rate funding year 2021 applicants).

Promise Community School, TX, Application No. ECF222121058, Request for Waiver, WC Docket No. 21-93 (filed Oct. 26, 2021)

San Diego Jewish Academy, CA, Application No. ECF222121024, Request for Waiver, WC Docket No. 21-93 (filed Nov. 15, 2021)

Schiller Park School District 81, IL, Application No. ECF222121053, Request for Waiver, WC Docket No. 21-93 (filed Nov. 10, 2021)

St. Pius X Catholic School, MO, Application No. ECF222121041, Request for Waiver, WC Docket No. 21-93 (filed Nov. 4, 2021)

Watertown School District, MA, Application No. ECF222121059, Request for Waiver, WC Docket No. 21-93 (filed Nov. 12, 2021)

Winchester Christian Academy, TN, Application No. ECF222121055, Request for Waiver, WC Docket No. 21-93 (filed Nov. 11, 2021)

Yakama Nation Library, WA, Application No. ECF222121139, Request for Waiver, WC Docket No. 21-93 (filed Oct. 13, 2021)¹³

Rural Health Care Program
WC Docket No. 02-60

Granted

Waiver of the Invoice Filing Deadline—Sua Sponte Waiver¹⁴

New England Telehealth Consortium, ME, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19208211

Variety Care, Inc., OK, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19216231

Kansas Health-E Broadband Consortium, KS, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19643081

Audrain Medical Center – Mexico Internal Medicine, MO, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19651641

Northeast Missouri Family Health Clinic – Milan, MO, *Sua Sponte* Waiver, WC Docket No. 02-60, Funding Request No. 19485031

¹³ We grant Yakama Nation Library's waiver request for Application No. ECF222121139 in this Public Notice. We also note that if parties have other pending requests for waiver of the Emergency Connectivity Fund Program application filing deadline, those requests remain pending and are not addressed in this Public Notice.

¹⁴ See *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 35 FCC Rcd 1986, 1994 (WCB 2020) (*Funding Year 2018 Invoice Waiver Order*); *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 32 FCC Rcd 5065, 5065-66, paras. 2, 4 (WCB 2017) (*Funding Year 2016 Invoice Waiver Order*) (granting a waiver sua sponte of the invoice filing deadline when the deadline had already passed at the time that health care providers received USAC's decision, which made compliance with program rules impossible). We waive the petitioners' invoice filing deadlines and allow 180 days from the later of the release date of this Public Notice or the issuance date of a funding commitment letter (FCL) to file the invoices with USAC.

Connect America Fund**WC Docket Nos. 10-90, 05-337, CC Docket No. 96-45****Granted***Late Annual State Filing Certification Waiver Request*¹⁵

Inventive Wireless of Nebraska, LLC dba Vistabeam, Petition for Waiver, CC Docket No. 96-45, WC Docket No. 14-58 (filed Aug. 11, 2021)

Contribution Methodology**WC Docket No. 06-122****Granted***Request for Waiver of Form 499-Q Filing Deadline Due to Coronavirus (COVID-19)*¹⁶

Express Connect Conferencing, LLC, Request for Waiver of Form 499-Q Filing Deadline, WC Docket No. 06-122 (filed Jan. 21, 2022)

Denied in Part, Remanded in Part*Late 499-A Filing Fee Waiver Request*¹⁷

System Won, Inc., Request for Waiver of FCC Form 499-A Late Filing Fee, WC Docket No. 06-122 (filed Nov. 23, 2021)

¹⁵ See, e.g., *Streamline Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6 et al., Public Notice, 33 FCC Rcd 7401 (WCB 2018) (granting a petition for waiver when a missed filing deadline was due to the state commission omitting the petitioner from its certification); *Petition for Waiver of Universal Serv. High-Cost Filing Deadline, Fed.-State Joint Bd. on Universal Serv., CTC Telecom, Inc. d/b/a Snake River PCS Petition for Waiver of Deadline in 47 C.F.R. § 54.314(d)(6)*, WC Docket No. 08-71, 25 FCC Rcd 7242, 7244, para. 5 (WCB 2010) (granting a petition for waiver when a missed filing deadline was due to state commission action, as opposed to actions of the carrier).

¹⁶ 47 CFR § 54.713(c). See, e.g., *Schools and Libraries Universal Support Mechanism et al.*, CC Docket No. 02-6, WC Docket No. 02-60, WC Docket No. 11-42, WC Docket No. 06-122, Order, 32 FCC Rcd 7456, 7461-63, paras. 17-21 (WCB 2017) (finding good cause to waive certain rules and deadlines for contributors whose operations were substantially impacted by hurricanes and thus prevented from meeting filing deadlines).

¹⁷ 47 CFR § 54.713. See, e.g., *Universal Service Contribution Methodology; Request for Review of a Decision of the Universal Service Administrator and Request for Waiver by BelWave Communications*, WC Docket No. 06-122, Order, 27 FCC Rcd 11176 (WCB 2012); *Universal Service Contribution Methodology; Request for Review of Decisions of the Universal Service Administrator and Request for Waiver by BCG, Inc. et al.*, WC Docket No. 06-122, Order, DA 11-864 (WCB 2011) (both finding that petitioners' claims that they were unaware of their filing obligation did not warrant waiver of the Form 499-A filing deadline and associated late fees). While we find that the facts do not warrant a waiver of late fees for failure to file between 2016-2018, we remand the matter back to USAC to reconsider whether any of the issues raised by petitioner regarding its communications with USAC during the timeframe between 2019-2021 with respect to the 2016-2018 filings amount to USAC error and direct USAC to recalculate the late fees for those years accordingly.

¹⁸ 47 CFR § 54.713. See, e.g., *Universal Service Contribution Methodology; Request for Review of a Decision of the Universal Service Administrator and Request for Waiver by BelWave Communications*, WC Docket No. 06-122, (continued....)

Denied*Late 499-A Filing Fee Waiver Request*¹⁸

IntelliVoice, LLC, Request for Waiver of FCC Form 499-A Late Filing Fee, WC Docket No. 06-122 (filed Nov. 30, 2021)

For additional information concerning this Public Notice, please contact James Bachtell in the Telecommunications Access Policy Division, Wireline Competition Bureau, at james.bachtell@fcc.gov or (202) 418-2694.

- FCC -

Order, 27 FCC Rcd 11176 (WCB 2012); *Universal Service Contribution Methodology; Request for Review of Decisions of the Universal Service Administrator and Request for Waiver by BCG, Inc. et al.*, WC Docket No. 06-122, Order, DA 11-864 (WCB 2011) (both finding that petitioners' claims that they were unaware of their filing obligation did not warrant waiver of the Form 499-A filing deadline and associated late fees); *Universal Service Contribution Methodology; Requests for Waiver of Decisions of the Universal Service Administrator by ComScape Telecommunications of Raleigh- Durham, Inc. and Millennium Telecom, LLC*, WC Docket No. 06-122, Order, 25 FCC Rcd 7399 (WCB 2010) (denying waiver requests when negligence caused late filing fee); *Universal Service Contribution Methodology; Requests for Review of Decisions of the Universal Service Administrator by Achilles Networks, Inc.*, et al., WC Docket No. 06-122, Order, 25 FCC Rcd 4646, 4648-49, paras. 5, 8 (WCB 2010) (good cause not shown when filers claim they were unaware of their obligation to file the forms, ignorant of the process for electronically filing the forms, or had otherwise failed to file the forms). To the extent IntelliVoice's financial situation makes it difficult to pay the invoice in full, it may set up a payment plan with USAC to satisfy the obligation. See <https://www.usac.org/service-providers/making-payments/how-to-pay/payment-plans/>.